



UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

Wells 6 & H
11.9
466951

ANNE ANDERSON, for herself, and as parent and next friend of CHARLES ANDERSON, and as Administratrix of the estate of JAMES ANDERSON; CHRISTINE ANDERSON; RICHARD AUFIERO, for himself, and as parent and next friend of ERIC AUFIERO, and as Administrator of the estate of JARROD AUFIERO; LAUREN AUFIERO; DIANE AUFIERO, for herself, and as parent and next friend of JESSICA AUFIERO; ROBERT AUFIERO; KATHRYN GAMACHE, for herself, and as parent and next friend of AMY GAMACHE; TODD L. GAMACHE; ROLAND GAMACHE; PATRICIA KANE, for herself, and as parent and next friend of MARGARET KANE; KATHLEEN KANE; TIMOTHY KANE and KEVIN KANE, JR.; KEVIN KANE; DONNA L. ROBBINS, for herself, and as parent and next friend of KEVIN ROBBINS, and as Administratrix of the estate of CARL L. ROBBINS, III; MARY J. TOOMEY, for herself and as next friend of MARY EILEEN TOOMEY, and as Administratrix of the estate of PATRICK TOOMEY; RICHARD J. TOOMEY; JOAN ZONA, for herself, and as Administratrix of the estate of MICHAEL ZONA; RONALD ZONA; ANN ZONA; JOHN ZONA; and PAT ZONA

vs

CRYOVAC, Division of W. R. Grace & Co.; W. R. GRACE & CO.; JOHN J. RILEY COMPANY, Division of Beatrice Foods Co.; BEATRICE FOODS CO.; and XYZ COMPANY (ies)

CIVIL ACTION
No. 82-1672-S

Deposition of JOHN J. RILEY, JR., taken on behalf of the Plaintiffs, pursuant to the applicable provisions of the Federal Rules of Civil Procedure, before Valerie T. Wong, Notary Public within and for the Commonwealth of Massachusetts, at the offices of Schlichtmann, Conway & Crowley, 171 Milk Street, Boston, Massachusetts, commencing at 10:15 o'clock A.M. on Wednesday, April 3, 1985.

Appearances:

Jan Richard Schlichtmann, Esq.
Kevin P. Conway, Esq.

Schlichtmann, Conway & Crowley
171 Milk Street
Boston, Massachusetts
for the Plaintiffs.

Andrew S. Schwartz, Esq.
Foley, Hoag & Eliot
One Post Office Square
Boston, Massachusetts
for the Defendants Cryovac, Division of W. R.
Grace & Co. and W. R. Grace & Co.

Neil H. Jacobs, Esq.
Donald R. Frederico, Esq.
Hale & Dorr
60 State Street
Boston, Massachusetts
for the Defendant Beatrice Foods Co.

Mary K. Ryan, Esq.
Nutter, McClennen & Fish
600 Atlantic Avenue
Boston, Massachusetts
for the Deponent.

Roberta K. Schnoor, Esq.
Goodwin, Procter & Hoar
28 State Street
Boston, Massachusetts
for the Defendant Unifirst Corporation.

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2 MR. SCHLICHTMANN: Same stipulations as in
3 the other depositions?

4 MS. RYAN: Could you state those for the
5 record?

6 MR. SCHLICHTMANN: We will waive all
7 objections, except as to form, and he will read and
8 sign the deposition.

9 MR. JACOBS: Waive filing?

10 MR. SCHLICHTMANN: Right.

11 MR. JACOBS: And reserve all motions to
12 strike?

13 MR. SCHLICHTMANN: Right.

14 MS. RYAN: All right.

15 MR. SCHLICHTMANN: Is that satisfactory?

16 MR. JACOBS: Agreed.

17 MS. RYAN: Yes.

18 MR. SCHLICHTMANN: I think it is
19 appropriate if the attorneys identify who they are
20 representing because we have several attorneys for
21 John J. Riley.

22 MR. JACOBS: Hale & Dorr represents
23 Beatrice Foods Company and Division John J. Riley
24 Co.

25 MS. RYAN: I am with Nutter, McClennen &

1
2 Fish. We represent John J. Riley, Jr. individually
3 and John J. Riley, Inc. for the purpose of today's
4 deposition.

5 MR. SCHLICHTMANN: But Hale & Dorr does not
6 represent Mr. Riley individually?

7 MR. JACOBS: No, sir.

8 MR. SCHLICHTMANN: Only as in his
9 association with Beatrice Foods?

10 MR. JACOBS: We represent Beatrice Foods
11 Company and its division.

12 MR. SCHLICHTMANN: Okay.

13 MR. JACOBS: There is no independent legal
14 existence. It is just the way you captioned your
15 case.

16 MR. SCHLICHTMANN: Is Mr. Riley being
17 designated as the person most knowledgeable? We
18 made several deposition requests. Is Mr. Riley --

19 MS. RYAN: I have voluntarily acceded to
20 provide Mr. Riley individually for his deposition,
21 which I understand him to be testifying in.

22 MR. SCHLICHTMANN: His individual
23 capacity?

24 MS. RYAN: Uh-huh.

25 MR. SCHLICHTMANN: We sent out a notice of

1
2 deposition for persons most knowledgeable in areas
3 of chemical use and waste disposal practices and
4 environmental matters. I am wondering if any of
5 those persons --

6 MR. JACOBS: He is no longer an employee
7 of Beatrice Foods and we can't designate him.

8 MR. SCHLICHTMANN: How about for that
9 period?

10 MR. JACOBS: He still can't testify about
11 Beatrice Foods today. We can't designate --

12 MS. RYAN: I have no knowledge whatsoever
13 of any of the pleadings you're referring to.

14 MR. SCHLICHTMANN: Okay.

15 MR. JACOBS: I understand Mr. Riley is here
16 today to testify individually; that, as a factual
17 matter, he is the person who knows the most about
18 the operations of the Riley Tannery; and that you and
19 I in our conversations - and I don't know if you had
20 the same conversations with Mr. Frederico - but we
21 never really dealt with the issue whether Beatrice
22 could designate him as the person to testify on
23 behalf of Beatrice. I have not made an exhaustive
24 check. We have had some opportunity to discuss this
25 with in-house counsel for Beatrice Foods, and I

1
2 sincerely doubt anyone in the current employ of
3 Beatrice Foods from the era of Riley Tannery when
4 Beatrice owned the tannery who had any
5 responsibility for --

6 MR. SCHLICHTMANN: Okay. I know what
7 you're saying.

8
9 JOHN J. RILEY, JR.,

10 a witness called by the Plaintiffs, first having been
11 duly sworn, on oath deposes and says as follows:

12 Direct Examination

13
14 Q (By Mr. Schlichtmann) Would you state your name,
15 please?

16 A John J. Riley, Jr.

17 Q Where do you live?

18 A 9 Huntington Road, Lynnfield, Mass.

19 Q How long have you lived there?

20 A About 18 years.

21 Q Prior to that time where did you live?

22 A 94 Middle Street, Woburn, Mass.

23 Q How long did you live at Middle Street in Woburn,
24 Mass.?

25 A About 17 years.

Q Have you ever conducted an investigation to determine what types of solvents have been used at the John J. Riley Company?

MS. RYAN: Objection. You may answer.

A No.

Q Have you ever participated in any investigation concerning solvent use at the John J. Riley Company?

MR. JACOBS: Objection.

MS. RYAN: Objection.

A Repeat the question.

Q Have you ever participated in any investigation concerning solvent use at the John J. Riley Company?

MS. RYAN: Objection.

A We don't use many solvents.

Q Mr. Riley, I am asking the question: Have you ever participated in an investigation which determined solvent use at John J. Riley Company.

A No.

MR. JACOBS: I want to note for the record after this lawsuit was filed, Michael Rodberg and myself, and perhaps others, did something with Mr. Riley which some people might

1
2 consider investigation. Apparently Mr. Riley does
3 not.

4 Q Other than Stahl Finish, who are the other
5 suppliers of John J. Riley Company of leather
6 finishing materials or products?

7 A Stahl is the biggest one. We buy a little from
8 Rohm Haas, R-O-H-M, H-A-A-S.

9 Q How do you spell that again?

10 A R-O-H-M, H-A-A-S.

11 Q Where is he located?

12 A In Philadelphia.

13 Q How long have you been doing business with Rohm
14 Haas?

15 A It is not a Mr. Haas.

16 Q Did I mispronounce the name?

17 MR. JACOBS: It is the name of the
18 corporation.

19 A The name of the corporation.

20 Q What is the name of the corporation?

21 A Rohm Haas.

22 Q That is the name of the corporation?

23 A Yes.

24 Q Is there someone you deal with there?

25 A They never really had anyone call on us.

A 1983.

Q And another company took over John J. Riley Company in 1983?

A Yes.

Q What is that?

A John J. Riley Company, Inc.

Q Does John J. Riley Company, Inc. have shareholders?

A Yes.

Q How many shareholders does it have?

A Two.

Q Who are those two?

A My wife and I.

Q Your wife and you own 100 percent of the John J. Riley Company, Inc.?

A That is correct.

Q It says on the second paragraph: John J. Riley Company is located north of Salem Street in East Woburn on lots #37 and 96, and comprises approximately 15.66 acres of land.

Is that a true statement to your knowledge?

A More or less.

Q It goes on to say: The property is bordered by the Boston and Maine Railroad to the east,

MS. RYAN: Objection.

A No.

Q What is done with the very little produced from the finishing process?

A Passed through the sedimentation tank to the sewer.

Q To the soil?

A To the sewer.

MR. JACOBS: Sewer.

Q Passed through the sedimentation tank to the sewer?

A Yes.

Q How does it pass through the sedimentation tank to the sewer?

A Sedimentation collects hair or cow shit or pieces of leather; that is all it does. The liquid passes on through to the sewer.

Q Whatever is produced by the finishing process would go in the sedimentation tank and pass through to the sewer?

A Correct.

Q And then this sedimentation material that you described as soupy would be scooped out of the sedimentation tank and put on the ground to the rear of the plant?

MS. RYAN: Objection.

MR. JACOBS: Objection.

A That is correct.

Q And that has been going on for the last 40 or 50 years?

A That is correct.

Q Have you ever done an analysis of that soupy, sedimentation material?

MS. RYAN: Objection. I will instruct the witness not to answer in light of your allegation. I don't think you have a good faith basis for this line of inquiry. You have specifically stated in court and in papers you do not allege the tannery process is a source of contamination. I think you are entitled to discovery as to what was disposed, and I will permit discovery in that area.

Q My question to you is: Have you ever done an analysis or testing of that sedimentation tank material?

MS. RYAN: I instruct you not to answer the question.

MR. SCHLICHTMANN: Do you want to find out if he did so we don't have to go over to court for nothing?

1
2 MS. RYAN: Can you answer the question
3 yes or no?

4 A No.

5 Q You never have done a test?

6 A No.

7 MR. JACOBS: That takes the drama out of
8 that.

9 MR. SCHLICHTMANN: I thought we had some-
10 thing there, Mary.

11 MS. RYAN: Gosh.

12 Q It states in Paragraph 3.4.7. on Page 3-11:
13 Mr. Riley stated that the sedimentation tank is
14 cleaned approximately once a month and the tannery
15 waste sludge is disposed of beside the chromium
16 lagoons.

17 Is that a true statement?

18 MS. RYAN: Objection.

19 MR. JACOBS: Objection.

20 A No.

21 Q Did you ever make such a statement?

22 A No.

23 MR. JACOBS: Objection.

24 Q Did you ever indicate anything like that to the
25 EPA?